THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.17359 OF 2006

ORAL ORDER:

This Writ Petition is filed aggrieved by the notice dated 6.7.2006 issued by the respondent under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the Act"), calling upon the petitioners to pay a sum of Rs.13,79,031.97 ps within 60 days from the date of notice, failing which, the Company would take over possession of the secured asset mortgaged to it in exercise of the powers conferred under the Act.

The petitioners contended that under Section 13(3) of the Act, the respondent is bound to furnish the details of the amount payable. Alleging that the respondent failed to furnish the said details, it is contended that the respondent cannot proceed against the secured asset. Hence, this Writ Petition.

Under Section (3A) of Section 13 of the Act, on receipt of the notice under sub-section (2) of Section 13, it is always open to the borrower to make any representation or to raise any objection, in which event, the secured creditor would consider the same and if the secured creditor comes to the conclusion that such objection/representation is not acceptable or tenable, he shall communicate within one week of receipt of such representation, the reasons for non-acceptance of the representation to the borrower.

The petitioners state that notice under Section 13(2) of the Act was served on 20.7.2006. If that be so, it is always open to them to make a representation raising all the objections of fact and law.

In the circumstances, I deem it appropriate to dispose of the writ petition granting liberty to the petitioners to make appropriate representation with regard to their grievance within one week from the date of receipt of a copy of this order. If such a representation is made, the same shall be considered by the respondent in terms of sub-

section (3A) of Section 13 of the Act, before proceeding further against the secured asset for recovery of the alleged amount due. No costs.

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(G. ROHINI, J.)

23rd August, 2006.
Issue CC in two days.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.17359 OF 2006

23rd August, 2006.

Between:

Tadi Vasudeva Rao and another. .. Petitioners.

And

The Area Manager, L.I.C. Housing Finance
Limited, Area Office, Hotel Kalinga Upstairs,
T. Nagar, Rajahmundry, East Godavari District. .. Respondent.